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7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
9 WESTERN DIVISION  
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11 SALVADOR AVINA,

12 Petitioner,

13 v.

14 JEFFREY BEARD - CDCR,

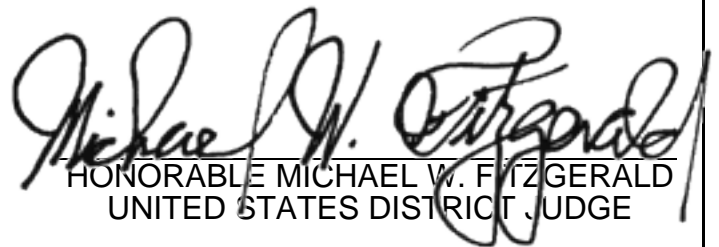
15 Respondent.  
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No. CV 16-1524-MWF (PLA)

**JUDGMENT**

17 Pursuant to the order accepting the magistrate judge's report and recommendation,  
18 IT IS ADJUDGED that the petition in this matter is denied and dismissed without prejudice for lack  
19 of exhaustion and for failure to prosecute.

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21 DATED: January 13, 2017

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HONORABLE MICHAEL W. FITZGERALD  
UNITED STATES DISTRICT JUDGE  
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